

Part 9: Planning Committee Procedure Rules

(Reviewed December 2020)

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9.1 Membership

In accordance with Government guidance, it is Council policy that every member of the Council must receive formal training in the planning system before serving on Planning Committee. Similarly, any present or newly elected Member participating in the determination of a planning application by full Council, must receive such training prior to such participation.

The Chairman of Council or of Planning Committee as the case may be, will be cognisant of those Members who have not undertaken training and will rule accordingly if Members who have not been trained seek to participate in determining planning applications.

Planning Committee membership must be made up primarily of non-executive members, but with specific reservation of a place for the Lead Member for Planning.

9.2 Requests by the Public to Address the Planning Committee

1. Members of the public, including the applicant (or their representative), representatives from the relevant Town or Parish Council, local interest groups and local civic societies, and the local district Ward Member, if not a member of Planning Committee, may address Planning Committee during consideration of any application for planning permission. There is no separate County councillor speaking category and county councillors may therefore only address Planning Committee by registering within one of the permitted categories having met the

requirements to register.

2. The following groups may address the meeting for up to five minutes each:
 - Objectors
 - Applicant and/or Supporters

Where more than one person has registered to speak in any of the above groups of speakers, the five minute period shall be shared. In such circumstances, Objectors are encouraged to appoint a spokesperson. If no spokesperson is nominated, Objectors will be heard in the order in which they have registered until the five minute period has elapsed. The Applicant (or their agent) will speak first in their five minute period followed by any other supporters until the five minute period has elapsed.

3. The deadline to register to speak at Planning Committee is midday on the last working day before the committee meeting. Requests must be made to the Democratic and Elections Team in writing, by email or telephone.

Applications to speak at Planning Committee will only be accepted by persons who have made written representations on an application as part of the consultation process or the applicant or the applicant's agent.

Persons who have registered to speak may appoint someone to speak on their behalf provided that the person who has registered to speak notifies the Democratic and Elections Team before the Planning Committee commences.

4. Persons registering to speak must provide the name of the person wishing to speak, a contact telephone number, the application they wish to speak on, whether they will be speaking in support or objection to the application and the capacity in which they are registering. Persons registering to speak should also confirm if they are willing for the Council to share their contact details with other speakers so that arrangements can be made to nominate a spokesperson if necessary.
5. When there is a linked or duplicate application each speaker can only speak on one application site, regardless of the number of applications for that site. For example, in the case of linked applications for planning permission and listed building consent on the same property, speakers may only speak once.
6. Public speaking at Planning Committee is only permitted on planning applications, not any other report submitted to the Committee.
7. When planning applications are referred to full Council the normal Council public speaking rules apply, as set out in the Council procedure rules.

Procedure

8. Any requests to speak received after midday on the last working day before the committee meeting will not be accepted.
10. Before the planning application report is considered in detail, the Committee may

agree to defer the application for a site visit or to obtain further information. In such cases, there will be no public participation on the application until it is reconsidered at a future meeting. Persons who have registered to speak on applications that are deferred to a future Planning Committee meeting are not required to register again.

9. The Planning Officer will present the application to the Committee and inform Members of any late representations or updates.
12. Ward Members, who are not Planning Committee members, will then be entitled to speak on the application. The speaking time limit for Ward Members, who are not members of Planning Committee is 10 minutes.
13. The persons who have registered to speak will be introduced by the Chairman in order of Objectors and Supporters, with the applicant always speaking first is the Supporters allotted time. Once a speaker has made their statement there will be no further right to address the meeting and at the speaker must return to the public gallery.
13. The Planning Officer will clarify any planning points made by speakers relevant to the application.
14. The Committee will debate the application and make a decision on the application. Should the Committee choose to defer the application for a site visit or further information after the public speaking part of the item has passed, when the application is brought back to Committee, no public speaking will be permitted unless there are significant material changes to the application in the meantime. This will be at the discretion of the Chairman.
15. Members of the public, Ward Members and Committee Members may not show plans, drawings, video clips, photographs or circulate written material.
16. The Chairman of the meeting may:
 - (a) vary the order of representation if he/she considers that it is convenient and conducive to the despatch of the business and will not cause prejudice to the parties concerned, or
 - (b) remove any person from the meeting if they behave in a disorderly manner.

9.3 Site Visits

Any Member of Planning Committee may propose a site visit but the reasons relating to the relevant criteria below must be stated and recorded in the minutes, and a majority vote will determine if a site visit is to be undertaken. Members are advised only to vote if they are able to attend the site visit.

Remote tools (drones) are permitted in facilitating site visits but this does not replace the option for physical site visits and any such footage and usage should be approved by Planning officers to ensure impartiality. The procedure for

conducting the site visit will be adapted as required with the footage being shown at the Planning Committee meeting as part of the officers' presentation as far as practicable.

The rules below should be read in conjunction with the guidance on site visits contained in the Planning Code of Conduct in Part 3 of the Constitution.

9.3.1 Formal Site Visits Authorised by Committee

The purpose of a site visit is solely to ascertain the facts relating to the physical nature of the site and its surroundings. The decision to carry out a site visit should normally be based on one or more of the following criteria:-

- Illustrative material is insufficient to convey the issues
- A judgement is required on visual impact
- The setting and surroundings are particularly relevant to the determination or conditions being considered
- It is necessary to experience similar/comparable conditions at another location/site
- The proposal is of particular significance although applications which only raise issues of principle or fundamental planning policies will not normally be appropriate for a formal site visit
- It is appropriate to make an informed assessment of the proposals which are subject to conflicting claims by applicants and objectors which cannot be adequately expressed in writing; or the proposal is particularly contentious.

9.3.2 Before the Site Visit

- Letter sent to applicant/agent and Ward Member(s) informing of the decision, time, date, purpose and protocol for visit
- Letter sent to third parties where access to their private property may be required. Notification of date, time, purpose and protocol for visit also given

9.3.3 Who May be Present and Take Part in the Proceedings

- All Committee Members or their nominated substitutes who will also be attending the decision-making meeting in that capacity
- Ward Councillors who do not serve on the Planning Committee (subject to the other provisions of this protocol)
- Relevant officers (including representatives of other organisations, for example County Highway Authority or Environment Agency, if necessary)
- A written record of those attending in any of the above capacities should be made by Planning Officers at the time of the visit.

General onlookers, supporters and objectors will not be allowed to participate. The

applicant may be present but should not address the Committee other than to respond to factual questions relevant to the site visit put to him/her at the discretion of the Chairman. Any such questions to the applicant will be made through the Chairman/Planning Case Officer during the visit.

9.3.4 Conduct of visits

- Visits will be conducted in a formal manner
- The Chairman or Vice-Chairman will open the meeting and advise Members of purpose and conduct
- Officers will report any apologies and highlight issues relevant to the site inspection
- Other Members/Officers to ask questions of the Planning Case Officer or on occasion the applicant as to physical characteristics and surroundings
- Chairman to close

9.3.5 General matters

- There will be no debate about the merits of the application and no decisions taken
- No formal notes will be made. The Planning Case Officer will update the Committee on the site visit when it next meets to consider the application
- Where appropriate this protocol may be sent to parish/town councils and applicants for information.

9.3.6 Unaccompanied Site Visits

Members of Planning Committee have a long established practice of visiting sites before Committee meetings. Such visits are undertaken individually by Members unaccompanied by Officers. The criteria listed above apply equally to this type of site visit. The disadvantage is that these visits can be used by applicants, agents and objectors to undertake unwarranted lobbying and where a Member visits private property it can be interpreted as showing favour to the person visited. Accordingly, as set out in the Planning Code of Conduct, members should not enter private land, even if invited to do so, but should view the site only from the public highway.

9.4 Referral of applications to Council by the Assistant Director Planning and Development

Where a decision of Planning Committee is contrary to both the Officers' recommendation and approved planning policy, the Assistant Director Planning and Development has the right to refer the application to full Council for determination. Before doing so he/she will advise Planning Committee of his/her intention to refer

the application to full Council before the Committee vote on the application.

When an application is to be referred to full Council, the Assistant Director Planning and Development must arrange to advise, as soon as practicable, the applicant, agent and (where relevant) appropriate third parties of the date and time of the meeting. The Assistant Director Planning and Development should also advise the Assistant Director Law and Governance that an application is to be referred so that all Members of the Council can be similarly informed of the meeting arrangements.

The Minutes of Planning Committee and Council should always include a detailed Minute setting out the reasons why an Officer recommendation was not accepted and a copy should be placed on the planning application file as appropriate.

9.5 Member Call-In

Ward Member 'referral' of Officer delegated cases to Planning Committee shall be accepted in accordance with the following provisions of the officer scheme of delegation in Part 1 of the Constitution.

- The call in request must be for material planning reasons
- The request must be made within 21 calendar days of the registration of the application as valid (the day after registration to count as day one)
- The request must be made in writing by letter or email
- The request must be sent to the Assistant Director Planning and Development (or the line manager that is responsible for Development Management and reports to the Assistant Director Planning and Development) and the Chairman of the Planning Committee
- The request MUST contain all the relevant information

On receipt of the call-in request the Assistant Director Planning and Development (or the line manager that reports to the Assistant Director Planning and Development and is responsible for Development Management) will either agree, or refuse, the request in consultation with the Chairman of the Planning Committee (Vice Chairman in the Chairman's absence). The criteria for deciding whether to allow a call-in request will include, but not be limited to,

- whether material planning reasons have been supplied,
- views of parish or town council,
- level of public interest,
- scale and type of development,
- site history,
- statutory time frame for decision,
- relevant development plan policies, council guidance and strategies
- whether the committee could legitimately reach another conclusion than the one reached by officers and/or the extent to which they are considered to have the potential to "add value" to the final scheme.

The councillor who called in the application is encouraged to attend, or send another nominated member to speak